

Lore of the Corps

Hangings and Death by Musket in the Pacific: Death Penalty Courts-Martial in Australia, Hawaii, and India (1942-1947)

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In April 2001, the *Honolulu Advertiser* published an article titled, “Mysterious Schofield Plot Filled with Untold Stories.”¹ Those who took the time to read the piece learned that the six-acre Schofield Barracks Post Cemetery in Hawaii has a special plot containing the remains of seven Soldiers who were tried, convicted, and executed either by hanging or by firing squad. What follows is the story of five of those seven courts-martial, which occurred either in Australia, Hawaii, or India. They are examined in chronological order.²

United States v. Private Edward J. Leonski *Australia 1942*

Twenty-four year old Leonski “paid with his life for three brutal murders which chilled the blood.”³ The victims, all Australian females residing in Melbourne, were killed by the accused on three different days in May 1942. The accused, a private (PVT) assigned to the 52d Signal Battalion, Camp Pell, Melbourne, Australia, was apprehended and confessed to the murders. He was charged with premeditated murder of all three victims in that Leonski “willfully, deliberately, feloniously, [and] unlawfully” strangled each woman “with his hands.”⁴ Tried by general court-martial in July, he was found guilty of the triple homicide and sentenced to death.

Given that Leonski had confessed to the killings when questioned by an Australian police detective, the panel members did not have trouble finding him guilty. But the accused was a heavy drinker, and evidence was presented at trial that he had consumed prodigious

amounts of alcohol prior to each murder. Prior to the last homicide on 18 May, for example, PVT Leonski drank “25-30 glasses of beer, followed by five one-ounce whiskeys.”⁵ The defense suggested that the accused’s drinking was evidence of “mental derangement,” but the panel rejected this theory, as did Lieutenant Colonel John A. Stagg in his Staff Judge Advocate’s Review of the case.⁶ Leonski in fact “had acquired a reputation for his drinking ability,” and the members necessarily concluded that he was able to form the requisite intent to support their findings.⁷



On October 26, 1942, the Board of Review, Branch Office of The Judge Advocate General, then sitting in Melbourne, Australia, concluded in a thirty-page opinion that the record was “legally sufficient to support the findings of guilty . . . and the sentence.”⁸ Events moved quickly after the board’s work was completed. General Douglas MacArthur, as Commander-in-Chief, Southwest

¹ Will Hoover, *Mysterious Schofield Plot Filled with Untold Stories*, HONOLULU ADVERTISER, Apr. 22, 2001.

² The author thanks Colonel William D. Smoot, Staff Judge Advocate, 25th Infantry Division, for alerting him to the existence of this piece of military legal history. He also thanks Chief Warrant Officer Four Jennifer D. Young, Senior Legal Administrator, Fort Shafter, Hawaii, for photographing the gravestones of the executed Soldiers buried in the Schofield Barracks Post Cemetery.

³ *Leonski in Life and Death: Full Story*, THE SUN NEWS (Melbourne, Australia), no date. This article was published shortly after Leoniski’s execution on 4 November 1942.

⁴ Gen. Court-Martial Order No. 1, Gen. Headquarters, Southwest Pacific Area (4 Nov. 1942).

⁵ *United States v. Private Edward J. Leonski*, CM 267174, 16 (Board of Review, Oct. 26, 1942) (record is located at the National Archives and Records Administration, National Archives at St. Louis, Record Group 153).

⁶ Review of the Staff Judge Advocate, Branch Office of The Judge Advocate General 30 (29 Sept. 1942) (*United States v. Edward J. Leonski*, CM 267174, 16 (Board of Review, Oct. 26, 1942)).

⁷ *Id.*

⁸ *Leonski*, CM 267174 at 30.

Pacific Area, ordered the death sentence to be carried out on November 4, 1942, and Leonski went to the gallows five days later. Leonski initially was interred in Ipswich, Australia, but his remains were subsequently transported to the Schofield Barracks Post Cemetery, probably shortly after World War II ended.

United States v. Herman Perry
India 1944–45

On March 15, 1945, Private Herman Perry, 849th Engineer Aviation Battalion, was hanged in New Delhi, India. He had been convicted of murder, desertion, and willful disobedience of a lawful command of a superior officer.⁹

On March 4, 1944, the accused failed to report for duty and, when told that he consequently was under arrest and “was going to the guard house,” killed a lieutenant who was attempting to apprehend him.¹⁰ Private Perry then fled into the surrounding jungle. When apprehended by a “raiding party” sent to search for him on July 20, 1944—more than four months later—he was discovered to be married to a local Indian woman and was operating a small farm with her. At first the accused denied that he was Herman Perry, but “later admitted his identity.”¹¹

At trial, the accused admitted that he had disobeyed orders and deserted. But he claimed that he had been justified in shooting the lieutenant because the officer had “jumped at” him. The panel members, however, saw it otherwise. After the Acting Staff Judge Advocate, Major Charles Richardson Jr., wrote that “this is a case of cold-blooded, deliberate, and brutal murder of a brave young officer of the United States Army,” and that the death penalty was “the only fitting punishment for this offender,” there was little doubt that the Commanding General, U.S. Army Forces, China, Burma, and India Theater, would order the execution to be carried out.¹²

United States v. Jesse D. Boston
Hawaii 1945

Thirty-five year old Private First Class (PFC) Boston killed a woman by striking her in the head with a “cement weight.” He was executed by firing squad on August 1,

1945—the only Soldier to be “executed by musketry” in Hawaii in World War II.¹³

Why a firing squad? This was the actual punishment adjudged by the panel deciding Boston’s case. Under the Articles of War then in effect, the members had the option of selecting hanging as a punishment, but did not.¹⁴ Presumably, the convening authority could have altered the means of execution, but he did not. Boston was shot by musketry shortly before the hanging of Cornelius Thomas, discussed below, which meant Boston was part of the only double execution to occur in Hawaiian history.

Boston’s trial by general court-martial was held in Hawaii from April 20–24, 1945. Evidence showed that the accused was stationed on the island of Maui at the time of the crime, and on February 15, he entered the home of Shizue Saito, a civilian, with the intent to “take her money if she had any.” Private Boston walked up behind Saito and he hit her in the head with a “rock or brick or something of the sort.” He likely hoped that the victim would be rendered unconscious, but when she began yelling for help, his plan went awry. When Boston left the victim’s home, she was alive. Unfortunately for the accused, her skull had been fractured and she died before midnight that same night. After being advised of his rights, Boston admitted to having killed Mrs. Saito while attempting to rob her.¹⁵



⁹ *United States v. Private Herman Perry*, CM 307871 (Board of Review, 4 Sept. 1944) (record is located at National Archives and Records Administration, National Archives at St. Louis, Record Group 153).

¹⁰ Review of the Staff Judge Advocate 2 (21 Sept. 1944) (*United States v. Perry*, CM 307871 (Board of Review, 4 Sept. 1944) (Allied Papers)).

¹¹ *Id.* at 3.

¹² *Id.*

¹³ Gen. Court-Martial Orders No. 19, Headquarters, U.S. Army Forces Pacific Ocean Areas (19 June 1945); *United States v. Jesse D. Boston*, CM 307533 (Board of Review, 24 Apr. 1945).

¹⁴ Under the Manual for Courts-Martial then in effect, the panel members were required to “prescribe” the method of execution, “whether by hanging or shooting.” While the Manual stated that shooting usually was prescribed for military offenses, this was not required. MANUAL FOR COURTS-MARTIAL, UNITED STATES ¶ 103c (1928).

¹⁵ *Boston*, CM 307533 at 8 (Allied Papers).

After being convicted of premeditated murder and sentenced to be dishonorably discharged, to forfeit all pay and allowances, and to be shot by musketry, the Board of Review, U.S. Army Forces Pacific Ocean Areas, affirmed both the findings and sentence. The Commanding General, U.S. Army Forces Pacific Ocean Areas, then ordered the execution to be carried out.

United States v. Cornelius Thomas
Hawaii 1945

Twenty-two year old Thomas killed a man by shooting him with a .45 caliber pistol. He was hanged on August 1, 1945, shortly after Jesse D. Boston was shot by firing squad.¹⁶



On June 11, 1944, PVT Thomas, a member of the 3297th Quartermaster Service Company, then located on the island of Maui, absented himself without leave from his camp. He walked to the home of Francis T. Silva, where Silva, his wife, and nine-month-old child were sleeping. The accused cut a rear screen door and went into the Silva's bedroom. Although PVT Thomas did not know the Silvas, his intent was to awaken Mrs. Silva and "compel her to come outside for the purpose of having sexual relations with him." But when Thomas touched her leg to awaken her, she screamed. Perhaps the accused panicked, but he had a .45 caliber pistol with him that he raised and fired. The bullet hit the third finger of Mrs. Silva's right hand and then passed into the chest of her husband, killing him. According to the evidence presented at trial, PVT Thomas left the Silva home and,

"after wandering about for some two hours and breaking into several other houses with a view to committing rape, returned to his camp."¹⁷

The members had no difficulty in finding Thomas guilty as charged. He had given a "voluntary written statement" in which he admitted entering the Silva home "with the intent to commit rape." Private Thomas also admitted to "firing a shot at the deceased." The defense objected to the admissibility of this statement on the grounds that it was involuntary, but the objection was overruled, and the defense counsel offered no additional evidence at trial.¹⁸

Major General Myron C. Cramer, then serving as The Judge Advocate General, recommended to President Franklin D. Roosevelt that the "sentence of death be confirmed and ordered executed." As Cramer put it, PVT Thomas was "a confirmed criminal and a menace to society."¹⁹ On March 20, 1945, Roosevelt agreed and ordered the execution to be carried out. The record of trial is not clear why it took nearly four months for the War Department to publish General Court-Martial Orders ordering the hanging of PVT Thomas to occur, but they were published on July 11, 1945.²⁰ Slightly more than two weeks later, Thomas met the hangman's noose.

United States v. Private Garlon Mickles
Hawaii 1946-1947

Mickles was the last Soldier hanged in Hawaii: the "trap was strung" on April 22, 1947, at 7:01 a.m., and Mickles was "pronounced dead" twenty minutes later.²¹

On April 3, 1946, nineteen-year old Private Garlon Mickles was assigned to the 2280th Quartermaster Truck Company, then located on Guam, Marianas Islands. According to the evidence presented at his general court-martial, Mickles entered the barracks room of a sleeping female civilian at about 10:30 p.m. on April 3, 1946. He was carrying "a coral rock about the size of a grapefruit,"

¹⁷ *Boston*, CM 307533.

¹⁸ Review of the Staff Judge Advocate, Headquarters, Central Pacific Base Command 2 (14 Sept. 1944) (*United States v. Thomas*, CM 267174 (Board of Review, 9 Aug. 1944)).

¹⁹ Memorandum from Myron C. Cramer, The Judge Advocate General to Major General Edwin M. Watson, subject: Private Cornelius Thomas, 3297th Quartermaster Service Company (25 Jan. 1945).

²⁰ Gen. Court-Martial Order No. 333, War Department (11 July 1945).

²¹ War Department, Message from Commanding General Army Forces Pacific to War Department 4 (22 Apr. 1947) (*United States v. Mickles*, CM 31502 (Board of Review, 11 June 1946) (Allied Papers)).

¹⁶ *United States v. Thomas*, CM 267174 (Board of Review, 9 Aug. 1944) (record is located at National Archives and Records Administration, National Archives at St. Louis, Record Group 153).

which he used to strike the woman in the head. When she did not “make any sound . . . he proceeded to have intercourse with her for about fifteen minutes.” Just before leaving her room, Mickles noticed that his victim was wearing an expensive wristwatch on her right arm. He took it from her arm, put it in his pocket, and left.²²

When the victim awoke, she knew she had been raped but was unable to provide any information about her assailant. Consequently, the crime remained unsolved until early May, when Mickles attempted to sell the wristwatch to some local civilians. The accused was apprehended, and the rape victim identified the watch as hers. Private Mickles subsequently gave a statement in which he “admitted all the essential elements of proof required” for rape and larceny.²³

The question of Mickles’s sanity was hotly contested at trial, but after an Army psychiatrist testified that the accused was sane at the time he committed the offenses, the panel did not have much trouble finding him guilty. At the time, rape was a capital offense under the Articles of War, and the panel certainly had little sympathy for the accused. The twenty-seven year-old victim testified that she woke up “to find herself in great pain about the face and head, and unable to open her eyes.”²⁴ She was fortunate not to have been killed when struck in the head with the coral rock. Additionally, although he was only nineteen years old, the accused had two prior convictions by courts-martial. The accused was African-American, and the victim was white. While race may have been a factor at trial given that black Soldiers were segregated from white Soldiers and faced discrimination on a daily basis, the extent to which race played a role will never be known.

On June 11, 1946, Private Mickles was found guilty of rape and larceny and sentenced to be dishonorably discharged, to forfeit all pay and allowances, and to be hanged by the neck until dead. After the convening authority took action, the case went to The Judge Advocate General, Major General Thomas Green, for his recommendation, and then via the Undersecretary of War to President Harry S. Truman for a final decision on the death sentence. The National Association for the Advancement of Colored People, and other interested parties, lobbied the Army and the White House for clemency for Mickles, but their efforts were to no avail.

²² Review of the Staff Judge Advocate, Headquarters, Twentieth Air Force 1 (28 June 1946) (United States v. Mickles, CM 31502 (Board of Review, 11 June 1946)).

²³ *Id.* at 2.

²⁴ Statement of Captain (Dr.) Leonard W. Charvet, 204th General Hospital, Guam, Marianas Islands 1 (14 May 1946) (United States v. Mickles, CM 31502 (Board of Review, 11 June 1946) (Allied Papers)).

Truman ordered the hanging to proceed. While Mickles had been tried in Guam, he would be executed in Hawaii on April 22, 1947. He was the last Soldier hanged in Hawaii.



A final note on Mickles. The War Department Adjutant General’s Office Form 52-1, Report of Death, states that his “cause of death” was “due to Judiciary strangulation.”²⁵ Your Regimental historian has not previously seen this legal term in use.

A final note about the burials of these executed men. The graves are “hidden behind a hedge [and] separated from the main cemetery.”²⁶ This is because it was considered wrong to bury them alongside men and women who served honorably and faithfully. Additionally, as the executed men had dishonored the Army and the Nation, they were buried “with their heads toward their individual tombstones, thus facing away from the post cemetery flag.” This is significant as, of roughly 1800 people buried in the Schofield Barracks Post Cemetery, only these men are so interred; every other buried person faces toward the flag.²⁷

There were, of course, other Soldiers tried by courts-martial and sentenced to death in Asia and the Pacific during World War II; their stories must wait until another day. But at least the history of five men executed and interred at the Schofield Barracks Post Cemetery is now better known to readers of *The Army Lawyer*.

²⁵ War Department Adjutant General’s Office Form 52-1, Report of Death, Garlon Mickles (United States v. Mickles, CM 31502 (Board of Review, 11 June 1946) (Allied Papers)).

²⁶ Post Cemetery, Schofield Barracks, n.d. (visitor’s brochure) (on file with Regimental Historian).

²⁷ Hoover, *supra* note 1.